

MEMO ENDORSED
ON PAGE TWO

MICHAEL A. CARDOZO
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

TONI GANTZ
phone: (212) 788-0908
fax: (212) 788-0940
email: tgantz@law.nyc.gov

November 8, 2007

BY HAND

Hon. Richard J. Sullivan
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 615
New York, New York 10007

Hon. Frank Maas
United States Magistrate Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 740
New York, New York 10007



Re: Bush v. Horn, 07 Civ. 3231
Brewster v. Horn, 07 Civ. 3762
Crichlow v. Horn, 07 Civ. 7685

Dear Judges Sullivan and Maas:

I am the Assistant Corporation Counsel assigned to represent the New York City defendants in the above-referenced consolidated action. I write to update the Court about the status of this action and to respectfully request an adjournment of the telephone case management conference currently scheduled for November 14, 2007 at 10:00 a.m. with Judge Maas. This is the first request for an adjournment in the consolidated action. As plaintiffs are incarcerated or otherwise unable to be reached, I have not been able to obtain their consent.


Defendants have filed and served responses in Bush v. Horn and Brewster v. Horn, and the City defendants will be filing a response in Crichlow v. Horn on November 15, 2007. Defendants will thereafter be seeking to file a motion for judgment on the pleadings pursuant to Rule 12(c) of the Federal Rules of Civil Procedure, and are in the process of preparing a letter application for a pre-motion conference with Judge Sullivan per his individual rules. A case management conference is therefore premature at this time, and defendants respectfully request that the conference be adjourned until after the disposition of the motion.

Finally, I will be unable to arrange for the participation of at least two of the plaintiffs in next week's conference. Mr. Crichlow was recently released from custody but has not provided any information as to his current location or contact information, and Mr. Bush is

unavailable at the conference's currently scheduled time due his correctional facility's rules regarding inmate telephone calls.

Thank you for your consideration of this request.

Respectfully submitted,



Toni Gantz
Assistant Corporation Counsel

cc: BY MAIL

Darrell Bush

05R2477

Willard Drug Treatment Center

P.O. Box 303

7116 County Route 132

Willard, New York 14588

Darrell Brewster

01-A-6646

Downstate Correctional Facility

122 Red Schoolhouse Rd, P.O. Box F

Fishkill, New York 12524

Kevin Crichlow

141-070-2357

Eric M. Taylor Center

10-10 Hazen Street

East Elmhurst, NY 11370

Karen Drotzer, Esq.

Armienti, DeBellis, Guglielmo & Rhoden, LLP

44 Wall Street

New York, NY 10005

The first-filed of these consolidated cases was referred to me for general pretrial purposes by Judge Castel before it was reassigned to Judge Sullivan. I understand that Ms. Gantz previously communicated with my Chambers about the 11/14 telephone conference. In light of that telephone call and the internal, this letter is, at best, confusing since it asks two decision makers to rule on the same issues and, at worst, an attempt at an end run. Future communications concerning scheduling unrelated to dispositive motions should be addressed to me, not Judge Sullivan. That said, the conference is cancelled based on Ms. Gantz's

representations. Ms. Gantz is directed, however, to submit her pre-motion letter to Judge Sullivan by November 19, 2007 (and to send a copy to me).

So ordered.

Mues, USKT,
11/13/07